

The opinion in support of the decision being
entered today is not binding precedent of the Board.

Paper 105 **23**
Filed :October 7, 2005

Mail Stop Interference
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

ARNOLD C. BILSTAD, BRADLEY H. BUCHANAN,
ALAN W. MARTILLA and ARCHIE WOODWORTH

Junior Party,
(Application 09/294,964),

FAXED

v.

OCT 7 - 2005

GEORGE WAKALOPULOS and
EDUARDO R. URGILES

**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

Senior Party
(Patent 6,140,657).

Patent Interference No. 104,832

Judgment - Request for Adverse - Bd.R. 127(b)

Before: McKELVEY, Senior Administrative Patent Judge and SCHAFER and MOORE,
Administrative Patent Judges.

The parties have filed a stipulation to terminate this interference indicating that Junior Party has abandoned the interference. Paper 103, p. 2. The abandonment of the interference is construed as a request for adverse judgment. 37 CFR § 42.127(b)(4). Accordingly, it is

ORDERED that judgment on priority as to the subject matter of Count 1 (Paper 1, p. 5) is awarded against junior party, ARNOLD C. BILSTAD, BRADLEY H. BUCHANAN, ALAN W. MARTILLA and ARCHIE WOODWORTH;

FURTHER ORDERED that junior party, ARNOLD C. BILSTAD, BRADLEY H. BUCHANAN, ALAN W. MARTILLA and ARCHIE WOODWORTH is not entitled to a patent containing Claims 57-65 of Application 09/294,964 which correspond to Count 1;

FURTHER ORDERED that a copy of this judgment be made of record in the files of Application 09/294,964 and Patent 6,140,657;

FURTHER ORDERED that if there is any settlement agreement which has not been filed, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 41.205.

/Richard E. Schafer/
ADMINISTRATIVE PATENT JUDGE

/Fred E. McKelvey/
ADMINISTRATIVE PATENT JUDGE

/James T. Moore/
ADMINISTRATIVE PATENT JUDGE

BOARD OF PATENT
APPEALS AND
INTERFERENCES

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